

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RACHEL KOZLOFF,)	
)	
Petitioner,)	Case No. 1:24-cv-27
)	
v.)	
)	
COMMONWEALTH OF)	
PENNSYLVANIA, <i>et al.</i>,)	
)	
Respondents.)	

MEMORANDUM ORDER

On January 30, 2024, Petitioner Rachel Kozloff (“Kozloff”) commenced this civil action in which she seeks a writ of habeas corpus pursuant to 28 U.S.C. §2254. Kozloff filed an amended petition on June 3, 2024, ECF No. 8, to which the District Attorney of Erie County has replied on behalf of all Respondents. ECF No. 12, 13, 14, 15, 16. The matter has been referred to Chief United States Magistrate Judge Richard A. Lanzillo for a report and recommendation (“R&R”) in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72.

On October 29, 2024, Judge Lanzillo issued an R&R recommending that the instant petition be denied as untimely and that a certificate of appealability be denied. ECF No. [17]. Objections to the Report and Recommendation were due to be filed no later than November 15, 2024. To date, no objections have been received.

After *de novo* review of the amended petition and documents in the case, along with the Magistrate Judge’s Report and Recommendation, the following order is entered:

AND NOW, this 22nd day of November, 2024, IT IS ORDERED that the within petition for a writ of habeas corpus shall be, and hereby is, DISMISSED as untimely.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lanzillo, issued on October 29, 2024, ECF No. [17], is adopted as the opinion of this Court.

Because jurists of reason would not find it debatable whether the Petitioner failed to file her petition in a timely manner, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

SUSAN PARADISE BAXTER
United States District Judge